

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
SEPTEMBER 12, 2011**

PRESENT: Janice Boeck, Jeffrey Patterson, Howard Twait, Rodney Gottfredsen

BY PHONE: Susan Kolve-Feehan,

NOT PRESENT: Cheryl Pearse

STAFF: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; other DRL Staff

GUESTS: Ginger Glanstead, Center for Beauty & Health Excellence, Inc.; Jacqui Farber, WCTC; Hafeezah Ahmad, DWD; Jan Studesville, Just Nails; Lauri Thomas, Alexander Thomas Academy Skin Care; Marvin Rushing, Vici Capilli Salons; Sheryl Bruemmer, Gill-Tech Academy; Mary Kardoskee, WCA; Tom Ferguson, BC Credits; and Dennis Overson, Karen Wymore, Madalyn Vogel, Meghan Zimmerman, Nichole Smith, Ashley Biser, Sarah Johnson, Zachary Johnson, Travelle Tucker, Johnathan Brown and Carlos Rendon Jr., Students

CALL TO ORDER

Janice Boeck, Chair, called the meeting to order at 9:45a.m. A quorum of 5 members was present.

ADOPTION OF AGENDA

Amendments:

- Add Item under O(5) – Order Fixing Cots – Phung K. Huynh
- Remove Elections from Bureau Director Matters

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 27, 2011 and JULY 7, 2011

MOTION: Jeffrey Patterson moved, seconded by Susan Kolve-Feehan, to approve the minutes of June 27, 2011 as published. Motion carried unanimously.

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to approve the minutes of July 7, 2011 as published. Motion carried unanimously.

BUREAU DIRECTOR MATTERS

Denise Aviles shared the 2012 meeting dates with the Board and it was noted that due to conflict, the July meeting will need to be rescheduled. She also told the Board that there is a new Deputy Secretary. She advised the board of the of the Department name change that has occurred as a result of the merger of DRL and parts of the Commerce Department. She reviewed case advisor training on October 4, 2011, with the Board. She informed the Board about the Departments initiative to reinstitute the regulatory digest for the Barbering and Cosmetology Examining Board.

PRESENTATION OF PROPOSED STIPULATIONS

The Board did not require presentations from DOE.

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LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Discussion Related to Requested Modification to the Continuing Education Rule

The Board discussed the number of hours of Continuing Education that should be required. They also discussed a “non-practicing license.” The Board asked for public comments related to the discussion.

Jan Studesville - in favor of continuing education

Lauri Thomas - in favor of continuing education and not in favor of a “non-practicing” license

Tom Furgusen – in favor of continuing education

Ginger Glanstead - in favor of continuing education

Mary Kardoskee – in favor of continuing education

Hafeezah Ahmad - in favor of continuing education

Karen Wymore – in favor of continuing education and not in favor of “non-practicing” license

Sheryl Bruemmer – in favor of continuing education

MOTION: Jeffrey Patterson moved, seconded by Janice Boeck, to require 5 hours of continuing education each biennium to consist of 3 hours in safety, sanitation and infection control and 2 hours in law and for all barbering and cosmetology licensees. Motion carried unanimously.

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to communicate the Board’s opposition regarding the non-practicing license. Motion carried unanimously.

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to communicate the Board’s support regarding the barbering license separate from the cosmetology license. Motion carried unanimously.

The Board discussed changing the rule to require a post-test for all CE courses and decided to keep the post-test requirement for distance learning applications only.

Discussion Related to Proposed Changes to Wis. Stat. §454.06

The Board discussed changes that would allow licensees from other states to sit for the barbering and cosmetology exam provided they meet the minimum criteria that is substantially equivalent to the Wisconsin requirements or approved by the Board. Details of the change are to be worked out in the legislation.

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to support modifying Wis. Stat. §454.06 with respect to the requirement that applicants attend a Wisconsin licensed school. Motion carried unanimously.

Discussion Related to Temporary/Special Event Permit

Ms. McGowan reported that this type of permit is not permissible by way of Wisconsin Statutes.

DIVISION OF ENFORCEMENT MATTERS

Citation Program

Candace Bloedow, DOE, explained the program and asked for approval from the Board to implement the program.

MOTION: Howard Twait moved, seconded by Sue Kolve-Feehan, to approve the citation forfeiture payment plan as present in the agenda packet. Motion carried unanimously.

BARBERING AND COSMETOLOGY EXAMINING BOARD**MINUTES****SEPTEMBER 12, 2011****SANITATION COMMITTEE REPORT**

Jeffrey Patterson report the Sanitation Committee met this morning and discussed nail tech/nail spa sanitation.

PUBLIC COMMENTS

Comments were received from Lauri Thomas.

CONVENE TO CLOSED SESSION

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Janice Boeck – yes; Susan Kolve-Feehan– yes; Jeffrey Patterson – yes; Rod Gottfredsen – yes; Howard Twait – yes. Motion carried unanimously. Open Session recessed at 12:59 p.m.

RECONVENE IN OPEN SESSION

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to reconvene in open session at 1:25 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS**

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matters of 09 BAC 127, 10 BAC 033, 10 BAC 078, 10 BAC 100, 10 BAC 132, 11 BAC 014, 10 BAC 125, 10 BAC 128 and 10 BAC 133. Motion carried unanimously.

CASE CLOSINGS

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to close cases 09 BAC 046, 10 BAC 012, 10 BAC 025, 10 BAC 038, 10 BAC 063, 10 BAC 064, 10 BAC 097, 10 BAC 103, 10 BAC 104, 10 BAC 105, 10 BAC 106, 10 BAC 113, 10 BAC 121, 10 BAC 133, 11 BAC 004, 11 BAC 006, 11 BAC 012, 11 BAC 015, 11 BAC 030, 11 BAC 031, 11 BAC 041, 11 BAC 058 and 11 BAC 061 as recommended by the Division of Enforcement. Motion carried unanimously.

CITATIONS

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to issue citations for cases 10 BAC 009 (2 citations), 10 BAC 033, 10 BAC 039, 10 BAC 123, 11 BAC 008 (2 citations), 11 BAC 011 (2 citations), 11 BAC 022, 11 BAC 038 (2 citations), 11 BAC 048 (2 citations), 11 BAC 077, 11 BAC 084, 11 BAC 093 and 11 BAC 097 as recommended by the Division of Enforcement. Motion carried unanimously.

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MONITORING

MOTION: Howard Twait moved, seconded by Rod Gottfredsen, to accept the order fixing costs in the matter of Phung K. Huynh as modified in the red folder. Motion carried unanimously.

ADJOURNMENT

MOTION: Jeffrey Patterson moved, seconded by Rod Gottfredsen, to adjourn the meeting at 1:29 p.m. Motion carried unanimously.